

**UNITED STATES DEPARTMENT OF COMMERCE**  
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SERIAL NUMBER	FILING DATE	FIRST NAME OF INVENTOR	ATTORNEY DOCKET #
07/020,900	03/02/87	OSHIMA	E 5.1022

FITZPATRICK, CELLA, HARPER & SCINTO  
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EXAMINER  
RAYMOND, R

ART UNIT	PAPER NUMBER
1209	20

DATE MAILED: 10/18/91

This is a communication from the examiner in charge of your application.  
**COMMISSIONER OF PATENTS AND TRADEMARKS**

- ☐ This application has been examined ☒ Responsive to communication filed on Decision on Petition ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s),        days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

1. ☒ Notice of References Cited by Examiner, PTO-892. 2. ☐ Notice re Patent Drawing, PTO-948.  
3. ☐ Notice of Art Cited by Applicant, PTO-1449. 4. ☐ Notice of Informal Patent Application, Form PTO-152  
5. ☐ Information on How to Effect Drawing Changes, PTO-1474. 6. ☐

## Part II SUMMARY OF ACTION

1. ☒ Claims 1-10 + 13-19 are pending in the application.
- Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 1-10 + 13-19 are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☐ Claims ✓ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other \_\_\_\_\_

Serial No. 07/020,900

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Art Unit 129

This action is pursuant to the Decision on Petition of September 30, 1991 noting that no response was required to the Office action of April 17, 1990. The failure to present the suggested claim constitutes a concession that the patent is prior art under 35 USC 102(g) and 35 USC 103 MPEP 2305.01 and 2305.02. Accordingly, the following rejections are applied.

Claims 1 to 10 and 13 to 19 are rejected under 35 USC 102(g) as being anticipated by or in the alternative under 35 USC 103 as being obvious over Lever et al, of record, and the newly cited Lever et al. In addition to disclosing specific compounds (and pharmaceutical compositions) within the scope of the present claims, the patents generically disclose the present compounds as well as specific homologs, analogs and derivatives thereof.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Raymond whose telephone number is (703) 308-4523.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1235.

  
RICHARD L. RAYMOND  
PRIMARY EXAMINER  
GROUP 120

Raymond:st  
October 16, 1991